

Department of Energy

§ 860.6

(1) * * * A Severity Level I violation would be subject to a base civil penalty of up to 100% of the maximum base civil penalty of \$75,000.

(2) * * * A Severity Level II violation would be subject to a base civil penalty up to 50% of the maximum base civil penalty (\$37,500).

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IX. ENFORCEMENT ACTIONS

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1. Notice of Violation

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(e) * * *

(1) DOE may assess civil penalties of up to \$75,000 per violation per day on contractors (and their subcontractors and suppliers) that are indemnified by the Price-Anderson Act, 42 U.S.C. 2210(d). *See* 10 CFR 851.5(a).

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2. Civil Penalty

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(f) * * * In no instance will a civil penalty for any one violation exceed the statutory limit of \$75,000 per day. * * *

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PART 860—TRESPASSING ON DEPARTMENT OF ENERGY PROPERTY

Sec.

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AUTHORITY: Sec. 161, 68 Stat. 948, sec. 229, 70 Stat. 1070; (42 U.S.C. 2201; 2278a); sec. 104, 88 Stat. 1237, sec. 105, 88 Stat. 1238 (42 U.S.C. 5814, 5815); sec. 5, Pub. L. 100-185, 101 Stat. 1279 (18 U.S.C. 3559); sec. 6, Pub. L. 100-185, 101 Stat. 1280 (18 U.S.C. 3571); sec. 7041, Pub. L. 100-690, 102 Stat. 4899 (18 U.S.C. 3559).

SOURCE: 58 FR 47985, Sept. 14, 1993, unless otherwise noted.

§ 860.1 Purpose.

The regulations in this part are issued for the protection and security of facilities, installations and real property subject to the jurisdiction or administration, or in the custody of, the Department of Energy.

§ 860.2 Scope.

The regulations in this part apply to all facilities, installations and real property subject to the jurisdiction or administration of the Department of Energy or in its custody which have been posted with a notice of the prohibitions and penalties set forth in this part.

§ 860.3 Trespass.

Unauthorized entry upon any facility, installation or real property subject to this part is prohibited.

§ 860.4 Unauthorized introduction of weapons or dangerous materials.

Unauthorized carrying, transporting, or otherwise introducing or causing to be introduced any dangerous weapon, explosive, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property, into or upon any facility, installation or real property subject to this part, is prohibited.

§ 860.5 Violations and penalties.

(a) Whoever willfully violates either § 860.3 or § 860.4 shall, upon conviction, be guilty of an infraction punishable by a fine of not more than \$5,000.

(b) Whoever willfully violates either § 860.3 or § 860.4 with respect to any facility, installation or real property enclosed by a fence, wall, floor, roof, or other structural barrier shall upon conviction, be guilty of a Class A misdemeanor punishable by a fine not to exceed \$100,000 or imprisonment for not more than one year, or both.

§ 860.6 Posting.

Notices stating the pertinent prohibitions of §§ 860.3 and 860.4 and penalties of § 860.5 will be conspicuously posted at all entrances of each designated facility, installation or parcel of real property and at such intervals along

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the perimeter as will provide reasonable assurance of notice to persons about to enter.

§ 860.7 Effective date of prohibition on designated locations.

The prohibitions in §§ 860.3 and 860.4 shall take effect as to any facility, installation or real property on publication in the FEDERAL REGISTER of the notice designating the facility, installation or real property and posting in accordance with § 860.6.

§ 860.8 Applicability of other laws.

Nothing in this part shall be construed to affect the applicability of the provisions of State or other Federal laws.

PART 861—CONTROL OF TRAFFIC AT NEVADA TEST SITE

Sec.

861.1 Purpose.

861.2 Scope.

861.3 Definitions.

861.4 Use of site streets.

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861.6 Posting and distribution.

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APPENDIX A TO PART 861—PERIMETER DESCRIPTION OF DOE'S NEVADA TEST SITE

AUTHORITY: 42 U.S.C. 2201.

SOURCE: 41 FR 56788, Dec. 30, 1976, unless otherwise noted.

§ 861.1 Purpose.

The regulations in this part are designed to facilitate the control of traffic at the Nevada Test Site.

§ 861.2 Scope.

This part applies to all persons who use the streets of the Nevada Test Site.

§ 861.3 Definitions.

As used in this part:

(a) *DOE* means the Department of Energy.

(b) *Nevada Test Site* means DOE's Nevada Test Site located in Nye County, Nev. A perimeter description is attached as Appendix A to this part.

(c) *Nevada Test Site Traffic Regulations* means the traffic directives promulgated by the Manager of the Nevada Site Office pursuant to § 861.4.

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(d) *Person* means every natural person, firm, trust partnership, association or corporation.

(e) *Street* means the entire width between the boundary lines of every way when any part thereof is open to the use of those admitted to the Nevada Test Site for purposes of vehicular travel.

(f) *Traffic* means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any roadway for purposes of travel.

(g) *Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a roadway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

[41 FR 56788, Dec. 30, 1976, as amended at 71 FR 68734, Nov. 28, 2006]

§ 861.4 Use of site streets.

All persons using the streets of the Nevada Test Site shall do so in a careful and safe manner.

(a) The Nevada Test Site Traffic Regulations supplement this section by identifying the specific traffic requirements relating to such matters as:

(1) Enforcement and obedience to Traffic Regulations, including the authority of police officers and traffic regulations, and responsibility to report accidents.

(2) Traffic signs, signals, and markings, including required compliance with traffic lanes and traffic control devices, and prohibitions on display of unauthorized traffic signs, signals, or marking or interference with authorized traffic control devices.

(3) Speeding or driving under the influence of intoxicating liquor or drugs, including prohibitions on reckless driving, and promulgation of maximum permissible speeds.

(4) Turning movements, including required position and method of turning at intersections, limitations on turning around, and obedience to turning markers and no-turn signs.

(5) Stopping and yielding, including obedience to stop and yield signs, requirements, when entering stop or yield intersections, emerging from